

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**DUNCAN & SON LINES
and**

Case 28-CA-079700

**GENERAL TEAMSTERS (EXCLUDING MAILERS)
STATE OF ARIZONA, LOCAL UNION NO. 104**

ORDER¹

The Employer's petition to revoke portions of subpoena duces tecum B-633423 is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).²

Dated, Washington, D.C., September 5, 2012

MARK GASTON PEARCE,	CHAIRMAN
BRIAN E. HAYES,	MEMBER
SHARON BLOCK,	MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² In considering the petition to revoke, we have evaluated the subpoena in light of the Region's statement regarding paragraph 1 that "to the extent the request sought cumulative documents or multiple categories of documents that would show the same information, the Region was willing to limit the request to any – but not necessarily all – documents that would reflect [employee] Petriw's whereabouts, for work-related purposes, from February to April 2012, in order to avoid duplicity." Opposition brief, p. 5, fn. 3. We find that this limitation should also apply to the documents requested in paragraph 2, which the Region acknowledges seeks the same information regarding employee Jenner since January 1, 2012.